

August 11, 2008

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Chief Waters; Chief Beloit; Comm. Maynard; Supt. Gray; Richard DeMarco – Johnson Controls, Inc; Dave and Judy Whitten; Jerry Walden; Larry Williams; Julie and Herman Becker; Andy Hoehn; James Goodwin; Monica Evans; Mary Rose; Ron Neuman; Pam Robinson – Posey County News; Amy Moore – Mount Vernon Democrat; and arriving during the meeting, Bob Boerner.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they have also been mailed or hand carried copies of the minutes of their Special Session and asked if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated work is continuing and Mr. DeMarco is here with an update on the construction. Mr. DeMarco stated things are progressing well, and they are on a tight schedule, which they are adhering to. He continued by stating the flood rate is cut down, the rebar is in and the concrete has been poured; they are ready to go to the next level. He stated as for the temporary pump station, it is also progressing on schedule, the pumps are sitting in the hole but they have not been tied in yet. He added the trenching is beginning this next week and by September 1, they will hopefully be done with that project. He concluded by stating the lamella work is also progressing well; the electrical work continues, and they are waiting on materials to arrive daily. He urged the Board to stop by and look around – he is very proud of the work being done. He then asked if there were any questions ?

Board member Hoehn asked if the intake will be ready to be used by September 1 ?

Mr. DeMarco replied yes, it will be ready to pull water out of the river by then.

Jerry Walden asked the difference between a temporary and a permanent intake ?

Mr. DeMarco replied this temporary intake is a quick fix; a permanent intake would be an additional facility to handle future water requirements.

Mr. Walden questioned the zebra mussel situation the city has experienced in the past – will this new piping help with that situation ?

Mr. DeMarco replied this new piping helps keep them away.

Supt. Gray reported they are installing a 16” line on the temporary intake, as they needed something immediately to buy some time. He then stated the pipe will be welded and fused and will not allow corrosion, as well as being shatterproof, which also discourages zebra mussels.

He continued his report by stating they are on their second round of hydrant flushing and pink door hangers have been handed out to those affected. He added he would like to thank the maintenance folks at the water department for the painting they did on the hydrants, that is the best they have looked in a long time – great effort.

Mayor Tucker asked if there were any questions ?

Board member Higgins asked about the line being installed at the jail – was that completed ?

Supt. Gray replied that is done and the county paid for the construction, they are now receiving 817 gpm – 800 being the requirement.

Mayor Tucker asked if there were any other questions ?

There were none.

Mayor Tucker stated they have the Financial Statement for June before them and any questions could be directed to Bookkeeper Bennett.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

Attorney Higgins replied to update the Board on the property purchases they discussed at the Special Meeting, the purchase agreement has been signed on the Bluff Road property but both parties and they should close on it before the next meeting.

Mayor Tucker asked if anyone in the Audience wished to address the Water Utility Board?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Fuelling moved the meeting be adjourned. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

The Common Council immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Chief Waters; Chief Beloit; Comm. Maynard; Supt. Gray; Richard DeMarco – Johnson Controls, Inc; Dave and Judy Whitten; Jerry Walden; Larry Williams; Julie and Herman Becker; Andy Hoehn; James Goodwin; Monica Evans; Mary Rose; Ron Neuman; Pam Robinson – Posey County News; Amy Moore – Mount Vernon Democrat; and arriving during the meeting, Bob Boerner.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Hoehn moved the reading of the minutes be waived and they be approved as presented.

Seconded by Councilwoman Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they have also been mailed or hand carried copies of the minutes of their Special Session and asked if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented.

Seconded by Councilwoman Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren stated she has no report.

Comm. Maynard stated he has given the Council a list of the streets and alleys that were paved this year along with copies of the bills so they can see how the money was spent. He then stated he keeps receiving complaints about the intersection of 4th and Main – he has spoken to INDOT and they plan to have the repaired by August 31. He continued by stating there are also some trees on Main and 2nd Streets that are dying, he is not sure why, but he doubts they will come back next year. He stated he has contacted a professional to come down and take a look to get an expert opinion, but these trees may need to be replaced next season.

Councilwoman Higgins asked if possibly the bad winter the city had, with all of the ice and ensuing salt that was needed, could have something to do with that ?

Comm. Maynard replied he is not sure, though it is possible as the trees are in the sidewalks with limited dirt. He then stated the street department has been busy with storm sewer work and there is now a collapse on 7th Street that is under the sidewalk. He added he will also get a list together to show the Council the work that has been done on the storm sewers.

Councilwoman Hoehn asked that Comm. Maynard get with her on the tree replacement, she may have some useful information for him on that.

Mayor Tucker asked how many streets have been paved this season ?

Comm. Maynard replied they paved 17 blocks of streets and put the clippings down on 12 blocks of alleyways.

Councilwoman Hoehn questioned the construction at West School – the new entrance, where will it be, how will folks enter and exit, how is that being handled ?

Comm. Maynard replied he does not know, he needs to get the school district on that.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairman Fuelling stated he has no report.

Chief Beloit stated he released a news release today concerning the rash of thefts and burglaries in town recently. He added the investigation is now concluded and they cleared up numerous cases, six of them being city cases. He reminded the Council most of the thefts occurred between July 19 and July 21; they have also recovered most of the stolen property and they do have some property with no victims identifying it yet. He asked that anyone missing stereo equipment that may have been stolen, get with Detective John Dike to identify.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn stated she has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report for July before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasure had any Communications for the Council ?

Clerk-Treasurer Wolfe replied she would like to remind the Council of the changes in their September meetings – they will be held on the 3rd and 5th Monday, due to the budgets process and publication requirements.

Mayor Tucker asked if there were any Legals for consideration ?

Attorney Higgins replied she has none.

Mayor Tucker stated listed on the Agenda under Audience is Julie Becker with a discussion on golf carts. Mrs. Becker approached and stated she would like for the Council to pass an ordinance allowing golf carts to be used on the city streets, not 4th and Main, but the side streets. She then gave the Council handouts on a sample ordinance from a town in Illinois. She then stated New Harmony also has used the ordinance she handed out to Council. She added the golf carts would only be driven on side streets, though they could cross the highway, they are not to drive down it. She added the golf carts, to be legal, should have a horn, brake lights, head lights, signals, insurance, a flag....She then stated stickers could be purchased from the city every year as a registration, and folks not being registered would be fined. She added this would generate some money for the city to be used as they see fit, and they should have the same rules as those that apply to mopeds, lawn mowers as well. She added she believes this would generate money for the city to use on other things, but drivers should be required to be 16 years of age, must have proof of insurance, etc. She then stated she believes this would be a positive thing for the city, there would be less pollution and traffic. She added she does not like to do illegal things, which is why she is here. She stated the Council could set the fee, though she feels \$35 per year each would be feasible. She then thanked the Council for their time.

Councilwoman Askren stated she has received several calls from folks that are strictly against this since it first came up.

Mrs. Becker stated because it isn't legal.

Councilwoman Askren stated then the police should be called to handle that.

Mrs. Becker stated she has been told that Judge Redwine ordered the golf carts could be driven to the golf courses.

Councilman Curtis stated one individual has talked with him about this and that individual felt either make it legal or keep them off the street.

Mrs. Becker stated golf carts are safer than the mopeds – most don't wear helmets and they do not have licenses. She added her golf cart only goes 17 mph.

Councilman Curtis stated he sees lots of issues with enforcement.

Chief Beloit replied it would be difficult to say, as this has never been done in the past, it is hard to gauge.

Councilwoman Askren stated the city could also be bombarded with golf carts, and that make it harder on the traffic flow.

Chief Beloit stated he can see the pros and the cons, one con being courtesy of the golf cart drivers. If they would cause a car to get by them by not being over as far to the right as possible, the passenger vehicle could be ticketed for going left of center. He added if Council looks into this, they need to hit heavy on registration and insurance aspects.

Councilman Fuelling stated he hates to play devil's advocate here, but folks could also "modify" their golf carts to make them go faster, etc.

Chief Beloit agreed exactly and added many times this kind of thing is impossible to enforce – this could open a whole can of worms.

Monica Evans stated there should be a speed limit on these as well as mopeds, that way it puts the adults on a more level playing ground.

Chief Beloit agreed and added that is already a legal issue.

Ms. Evans stated she feels the golf carts would provide a good sense of community, folks using them to get to the riverfront, etc., there would be no traffic congestion, and it would give Mount Vernon a sense of community by bringing people together. She added the city could charge a fee as well.

Councilman Curtis stated a lot of the things Ms. Evans is saying are accurate, and though he does have a golf cart, he doesn't drive it to the store or around town. He also added he doesn't cross 4th and Main with it.

Mr. James Goodwin asked the difference in golf carts and older folks riding around town on their mobility chairs ?

Councilman Curtis stated that if everyone exercised common sense, things would be fine, but there are always folks that disregard the law.

Bob Boerner arrived at the meeting.

Councilman Curtis asked about the golf carts, what if there is child in the cart with an adult and there is an accident ? That could be an ugly situation. He added there is a lot to think about with this issue – it is now August 11, it would be September or October before the Council could get anything done on this. He then stated he feels the Council should get an action plan put together over the winter and do some research. He added he does not believe there would be 500 to 1000 golf carts out on the streets in Mount Vernon, but there will be a lot.

Mrs. Becker asked if anyone has heard of golf cart accidents in New Harmony ?

Chief Beloit replied he has not heard.

Councilwoman Hoehn replied there are a lot more cars in Mount Vernon too than in New Harmony, they have different traffic flows, as well as Mount Vernon has many semis. She added she also feels that the mobility chairs are similar to a handicapped situation.

Chief Beloit agreed and added they are in the gray area actually.

Councilwoman Hoehn added they will be regulated soon, they are not safe. She then added there is a lot to research, the state's thoughts on it, how other communities handle them that are comparable to Mount Vernon in size and traffic flow...

Chief Beloit the state has taken a hands off approach on this, they have exempted them and made them a gray area. Basically the state takes no position on this and leaves it up to the individual town or city.

Mr. Herman Becker stated they live on Lincoln and basically his wife drive theirs two blocks to visit friends – she uses it for pure enjoyment , but it is not to be legalized, they will sell their golf cart.

Mr. Walden stated he is in the insurance business and in regard to mopeds, the Indiana State Police indicate that if it goes over 25 mph, it should be considered a motorcycle and therefore the driver needs to be licensed and the moped needs to be licensed as a motorcycle. Which further means, the driver must be 15 years old,

have a license or permit, and carry an ID card with them. As far as insurance on golf carts, he has written liability policies on some of the golf carts in New Harmony, but they are considered an off-road vehicle, and yes, it is a really gray area. He stated they is a place for them, and there is a place for them NOT to be. Mr. James Goodwin stated he is a live-long Mount Vernon resident, and if this does not pass, then the mobility chairs should not be allowed either, they are very dangerous.

Mrs. Becker stated that is the same issue with riding lawn mowers that many folks ride on the streets. Chief Beloit stated the can of worms has been opened – golf carts to scooters to lawn mowers to mobility chairs, they are all totally unenforceable by the police department - until AFTER an accident has already happened. It is a gray area. He also stated the Council could always have an ordinance that prohibits/restricts/bans golf carts.

Councilman Fuelling stated it isn't just the speed, is the cc, they must be under 49cc.

Chief Beloit agreed and added there is a rule there and on the books about that.

Councilwoman Hoehn stated he needs more information first, without using New Harmony as an example to follow.

Councilwoman Higgins agreed and added they are almost out of season, the Council should study this over the winter.

Chief Beloit agreed but added they should be sure they are comparing apples to apples.

Councilman Fuelling stated the insurance is the main stumbling block currently.

Chief Beloit agreed.

Councilwoman Askren asked if she hits one and there is no insurance, her insurance could be sued ?

Chief Beloit replied yes.

Mr. Walden added a golf cart could be covered on a house insurance policy.

Mayor Tucker asked how the Council wished to proceed ?

Councilman Fuelling replied he agrees with Councilman Curtis and Councilwoman Higgins – they need to study this.

Councilwoman Askren agreed.

Mayor Tucker stated it appears the Council would like to look into it to be fair, at this time.

Councilwoman Higgins asked if Mrs. Becker found out any additional information that she get it to her.

Mrs. Becker replied she will do that.

Attorney Higgins stated she can also check with IACT on line for any statutes.

Mr. Becker asked that she also check on the others in the gray area, scooter, lawn mowers, etc.

Mayor Tucker asked if anyone else in the Audience wished to address the Council on any other issue ?
There was no response.

Mayor Tucker asked if there was any Old Business ?
There was none.

Mayor Tucker asked if there was any New Business ?
There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilwoman Hoehn stated she has no report.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated where the old Bakery building and the Bullard property were, there are kids on bikes using the dirt piles for ramps. She added they fly down Locust, don't stop at Water, and fly up off the ramp. She wondered about liability as well as safety issues to the city and if posting signs would help.

Mrs. Whitten stated they have noticed that as well, especially the later in the summer, but she wondered if that too would be unenforceable ?

Councilwoman Higgins wondered if they could have the ground smoothed out down there ?

Attorney Higgins suggested they put orange fencing up around it or blockades, barriers of some kind along with smoothing it out.

Comm. Maynard agreed the work needs wrapped up down there, as well as a storm sewer issue in the area.

Mayor Tucker asked if Councilwoman Higgins would like to update the Council on the upcoming Mount Vernon River Days ?

Councilwoman Higgins stated River Days will be one month from tomorrow, a two day event, there will be school kids coming down with bag lunches and the event is growing and growing.

Mayor Tucker added he received a call today from a gentleman with Jungle Safari who will be bringing his "show" to Southwind Shopping Plaza September 10 – 13. He added there will be tents set up along with exotic animals, a petting zoo, and pony and camel rides – it is a free event.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilwoman Askren moved the meeting be adjourned. Seconded by Councilman Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer